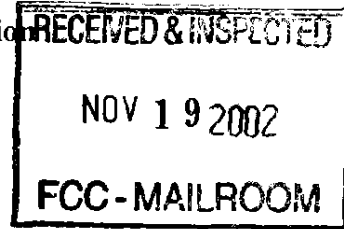


Before the
Federal Communications Commission
Washington, DC 20554



In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Winnebago Public Schools)
Winnebago, Nebraska)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

File Nos. SLD-259869, 259989,
260081, 260153, 260240, 260261

CC Docket No. 96-45

CC Docket No. 97-21 ✓

ORDER

Adopted: November 15, 2002

Released: November 18, 2002

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Meritide, Inc., on behalf of Winnebago Public Schools (Winnebago), Winnebago, Nebraska.¹ Winnebago seeks review of six decisions issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), rejecting Winnebago's appeals on the grounds that they were untimely filed.² For the reasons set forth below, we grant the Request for Review and remand the above-captioned applications to SLD for further consideration.

2. SLD issued **six** Funding Commitment Decision Letters on August 20, 2001, denying Winnebago's request for discounted services under the schools and libraries universal service support mechanism.³ Specifically, SLD denied Winnebago's requests for discounts for internal

¹ Letter from Richard B. Peterson, Meritide, Inc., to Federal Communications Commission, filed December 12, 2001 (Request for Review).

² See Request for Review. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

Letter from Schools and Libraries Division, Universal Service Administrative Company, to Raymond Girard, Winnebago Public Schools, dated August 20, 2001, regarding SLD Application Number 259869; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Raymond Girard, Winnebago Public Schools, dated August 20, 2001, regarding SLD Application Number 259989; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Raymond Girard, Winnebago Public Schools, dated August 20, 2001, regarding SLD Application Number 260081; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Raymond Girard, Winnebago Public Schools, dated August 20, 2001, regarding SLD Application Number 260153; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Raymond Girard, Winnebago Public Schools, dated August 20, 2001, regarding SLD

connections and telecommunications services, Funding Request Numbers (FRNs) 656402, 656743, 657285, 657526, 657861, and 657981.⁴ On September 20, 2001, Winnebago filed an appeal of SLD's decision.⁵ On October 1, 2002, SLD issued six Administrator's Decision on Appeal Letters indicating that it would not consider Winnebago's appeal because it was received more than 30 days after the August 20, 2001 Funding Commitment Decision Letters were issued.⁶ Winnebago subsequently filed the instant Request for Review with the Commission.

3 For requests seeking review of decisions issued on or after August 13, 2001 under section 54.720(b) of the Commission's rules, any such appeal must be filed with SLD or the Commission within 60 day of the issuance of the decision that the party seeks to have reviewed.⁷ Documents are considered to be filed with the Commission only upon receipt.⁸ SLD misapplied the rule in its Administrator's Decision on Appeal Letters. We find the applicant complied with the 60 day time period for filing its appeals with SLD. Therefore, we grant Winnebago's Request for Review and remand the above-captioned applications to SLD for further consideration.

Application Number 260240; and Letter from Schools and Libraries Division, Universal Service Administrative Company, to Raymond Girard, Winnebago Public Schools, dated August 20, 2001, regarding SLD Application Number 260261 (collectively, Funding Commitment Decision Letters).

⁴ *Id.* at 6.

⁵ Letter from Richard B. Peterson, Meritide, Inc., to Schools and Libraries Division, Universal Service Administrative Company, filed September 20, 2001 (Request for Administrator Review).

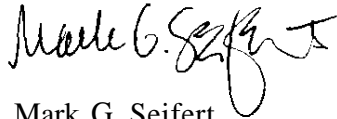
⁶ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Richard B. Peterson, Winnebago Public Schools, dated October 1, 2001, regarding SLD Application Number 259869; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Richard B. Peterson, Winnebago Public Schools, dated October 1, 2001, regarding SLD Application Number 259989; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Richard B. Peterson, Winnebago Public Schools, dated October 1, 2001, regarding SLD Application Number 260081; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Richard B. Peterson, Winnebago Public Schools, dated October 1, 2001, regarding SLD Application Number 260153; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Richard B. Peterson, Winnebago Public Schools, dated October 1, 2001, regarding SLD Application Number 260240; and Letter from Schools and Libraries Division, Universal Service Administrative Company, to Richard B. Peterson, Winnebago Public Schools, dated October 1, 2001, regarding SLD Application Number 260261 (collectively, Administrator's Decisions on Appeal Letters). In fact, Winnebago was subject to the 60-day appeal period, as discussed below. *See infra* para. 3.

⁷ 47 C.F.R. § 54.720(b). *See Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, FCC 01-376 (rel. December 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. December 28, 2001 and January 4, 2002).

⁸ 47 C.F.R. § 1.7

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Winnebago Public Schools, Winnebago, Nebraska, on December 12, 2001, IS GRANTED and the above-captioned applications ARE REMANDED to SLD for further consideration

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

